

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN R. BLAIR,)	
)	
Plaintiff,)	8:05cv31
)	
vs.)	ORDER
)	
NEBRASKA PAROLE BOARD, et al.,)	
)	
Defendants.)	

This matter is before the court on filing no. 28, the Objection by the plaintiff, Steven R. Blair, to filing no. 24, the Order in which I denied the plaintiff's Motion for additional summons forms. The plaintiff's Objection is correct. The plaintiff served all defendants in their official capacity. However, in an Amended Complaint (filing no. 13), the plaintiff clarified that he intended to sue all defendants in both their official *and individual* capacities. He is entitled to do so.

IT IS THEREFORE ORDERED:

1. Filing no. 28 is granted. The Clerk of Court shall send the plaintiff five summonses and five 285 forms for service on the five individual defendants, together with a copy of this Order.
2. The plaintiff shall complete the forms for service of process on the defendants, each in his or her individual capacity, and shall return the completed forms to the court by July 8, 2005.
3. When the plaintiff returns the completed forms to the Clerk of Court, the Clerk shall sign each summons, to be forwarded, together with a copy of the complaint and Amended Complaint, to the U.S. Marshal for service of process on the defendants in their individual capacity. The Marshal shall serve each summons and complaint, as amended, without payment of costs or fees. Service may be by certified mail pursuant to Fed. R. Civ. P. 4 and Nebraska law in the discretion of the Marshal.
4. A defendant has twenty (20) days after receipt of a summons to answer or otherwise respond to the complaint.
5. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court in the prosecution of this case.
6. The plaintiff shall keep the court informed of his current address at all times

while this case is pending. Failure to do so could result in dismissal of this case.

DATED this 2nd day of June, 2005.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge